IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1959 OF 2006

Manish Lalitkumar Bavishi ..Applicant
V/s
The State of Mahrashtra ..Respondent

Mr. A.H. Ponda, Advocate for the applicant
Mr. A.R. Patil, APP for the respondent
WITH
CRIMINAL APPLICATION NO. 1960 OF 2006

Divyesh Hasmukhlal Parikh & Anr. ..Applicants
V/s
The State of Maharashtra .. Respondent

Mr.A.H. Ponda, Advocate for the applicants
Mrs. M.H. Mhatre, APP for the respondent
WITH
CRIMINAL APPLICATION NO. 1961 OF 2006

Chandrakant Nagji Thakkar & Ors. .. Petitioner
vs
The State of Maharashtra .. Respondent

Mr. A.H. Ponda, Advocate with Mr. Arpan Rajput, Advocate for applicants.

Mr. Rajesh More, A.P.P. for the respondent.

CORAM : K.J. ROHEE, J.

DATE : 15TH MAY, 2006.

p.c.

. Heard Mr. Ponda, Advocate for the applicants and Mr. Patil, Mrs. Mhatre and Mr. Rajesh More, APP for respondents respectively.

2. These are the applications for anticipatory bail. Much emphasis was given by Mr. Ponda, the learned Counsel for the applicants, to demonstrate that the contents of the charge-sheet do not make out the offences of forgery and cheating. He submitted that the mere making of a false statement does not amount to making false document and that intention to deceive is not the same as intention to defraud. It was also contended that no economic loss was caused to any body. In this connection certain case law was cited. It was lastly submitted that at the most offences punishable under the Drugs and Cosmetics Act can be gathered from the F.I.R. and those offences are bailable.

3. It was also pointed out that ad interim protection was granted by the Sessions Court to the applicants by order dated 5/4/2006 till 5/5/2006. Thereafter interim protection was extended by this court from 5/5/2006 till 15/5/2006, so as to enable the applicants to move regular application for anticipatory bail.

4. It may be noted that the offences pertain to sale of Ketamine Hydrochloride which is used for general

anaesthesia. Under the relevant rules the manufacturer can sell the said drugs only to licence holders and in their turn they can sell it only to the licence holders. The F.I.R. shows that huge transactions running into Rs.six crores were entered into by the applicants by preparing false documents, such as invoices and bills. It was also contended by the prosecution that there might be a big racket behind these transactions.

5. If no offence of forgery and cheating are made out by the F.I.R. as urged by the applicants then no non-bailable offences are made out and what remains according to the applicants is only the offence which are bailable. If that is so, then there is no question of granting anticipatory bail.

6. Considering the gravity of the offence involved which may prove hazardous to the people at large, I am not inclined to grant anticipatory bail to the applicants. The applications are, therefore, rejected.

7. The above observations are made for disposing of the applications for anticipatory bail and they may not be taken into consideration for any other purpose.

(K.J. ROHEE J.)